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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/059,533 04/13/98 HAUCK

J 042390.P5379

WM31/1107

 EXAMINER

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TORRES, J

ART UNIT	PAPER NUMBER
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2133

DATE MAILED:

*11/17/01*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/059,533	HAUCK ET AL.
	Examiner	Art Unit
	Joseph D. Torres	2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 09 October 2001.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.      6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments filed 10/9/2001 have been fully considered but they are not persuasive.

The Applicant contends that "Reference 1 Fails to teach or suggest that as primary packet contains subgroupings known as subpackets, much less subpackets which could be considered to be divisible units which could be used as boundary points for early abortion of the transmission of a primary packet". The Examiner would like to point out that because of the Applicant's many references to the 1394 protocol, the Examiner assumes that "primary packet" is defined as in the 1394 protocol, a packet made up of whole quadlets containing transaction code in the first quadlet (page 16, 1394-1995 Protocol Manual). Quadlets would be obvious boundary points for a primary packet.

The Applicant contends "such analysis is irrelevant since Applicant's claims are not directed towards transmission termination based on any type of packet subgrouping". The Examiner would like to point out that since a "primary packet" is a packet made up of whole quadlets, which inherently is a natural subgrouping.

The Applicant contends "the reference only disclose stopping transmission of remaining whole packets, with no teaching or suggestion that the indication to stop transmission can be sent during transmission of a current primary packet". The Examiner would like to point out that it is the Examiners understanding that the primary packet is aborted between quadlets, i.e., after sending a quadlet and making a

determination before sending another to abort the transmission. This is analogous to the teachings of Mataway whereby an e-mail message can be aborted by aborting a packet and making a determination before sending another to abort the transmission.

The Examiner disagrees with the applicant and maintains all rejections of the dependent and independent claims. All arguments by the applicant have been considered. It is the Examiner's conclusion that the claims, are not patentably distinct or non-obvious over the prior art of record in view of the references, IEEE 1394 standard for a High Performance Serial Bus and the IEEE 1394A enhancements to IEEE 1394 (see, for example, "IEEE Standard for a High Performance Serial Bus", IEEE Std. 1394, published by IEEE Inc., New York, NY, 1996) and Mattaway (US 6185184 B1) as applied in the last office action, Paper No. 7. Therefore, the rejection is maintained.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over IEEE 1394 standard for a High Performance Serial Bus and the IEEE 1394A enhancements to IEEE 1394 (see, for example, "IEEE Standard for a High Performance Serial Bus", IEEE Std. 1394, published by IEEE Inc., New York, NY, 1996) in view of Mattaway et al. (US 6185184 B1, hereafter referred to as Mattaway).

See paper no. 7 for detailed action of prior rejections.

Claims 3 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over IEEE 1394 standard for a High Performance Serial Bus and the IEEE 1394A enhancements to IEEE 1394 (see, for example, "IEEE Standard for a High Performance Serial Bus", IEEE Std. 1394, published by IEEE Inc., New York, NY, 1996) in view of Mattaway (US 6185184 B1).

See paper no. 7 for detailed action of prior rejections.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Meltzer et al. (US 4712214 A) teach a NACK sequence number of last packet received correctly is in the sequence field, "R" for resend "C" to cancel current transmission altogether and await my transmission used to abort an ongoing transmission. Scheller et al. (US 5010553 A) teach the receipt of a bad packet, and subsequent notification thereof by the receiver, causes the transmission to be aborted, with the transmitter having to resend the bad packet and all succeeding packets. Clark (US 5187780 A) teaches the transmission of a packet can be aborted before completion. Pomfret et al. (US 5020020 A) teach transmitted packets are aborted so that time on the network is not wasted by needless transmission that must be discarded.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Torres whose telephone number is 703-308-7066. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (703)305-9595. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Joseph D. Torres, Ph.D.  
Art unit 2133  
October 25, 2001

  
ALBERT DECADY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100